

Chapter 84. Alaska Workforce Investment Board.

8 AAC 84 is amended by adding 8 AAC 84.010 – 8 AAC 84.090 to read:

Article 1. Grants received by the board.

8 AAC 84.010. Applicability. Except as provided in 8 AAC 86 and 87, 8 AAC 84.010 – 8 AAC 84.090 applies to grants for money received by the board under AS 23.15.580(c). (Eff. ____/____/_____, Register ____)

Authority: AS 23.15.580

8 AAC 84.020. Limitation. If a state or federal statute or regulation addresses a particular grant program and is inconsistent with a provision of 8 AAC 84.010 – 8 AAC 84.090, the state or federal statute or regulation supersedes the provision. (Eff. ____/____/_____, Register _____)

Authority: AS 23.15.580

8 AAC 84.030. Grant disbursement. For the purpose of AS 23.15.580(c), the board and department will jointly implement a grant disbursement as follows:

(1) the board will review and approve priorities for the grant disbursement and assist in the evaluation of grant proposals;

(2) the department is responsible for all remaining aspects of grant disbursement, including

(A) solicitation of grant proposals consistent with the priorities;

- (B) selection of grantees and resolution of appeals;
- (C) distribution of financial resources;
- (D) financing grant awards;
- (E) assessment of grantee performance; and
- (F) development of any policies affecting grant disbursement.

(Eff. ____ / ____ / _____, Register ____)

Authority: AS 23.15.580

8 AAC 84.040. Submission of grant proposal. To be considered for a grant under 8 AAC 84.010 – 8 AAC 84.090, an applicant must

(1) demonstrate to the satisfaction of the department that the applicant's accounting system

(A) is able to provide information on grant awards, authorizations, obligations, unobligated balances, assets, liabilities, revenues, and expenses;

(B) has effective control and accountability for all grant money, property, and other assets;

(C) has the capability to compare planned or budgeted expenditures with actual expenditures; and

(D) is able to provide accurate, current, and complete disclosure of the financial results of the grant activities;

(2) include in the proposal all information required in the solicitation; and

(3) submit the proposal to the department at the address and by the date specified in the solicitation. (Eff. ____ / ____ / _____, Register _____)

Authority: AS 23.15.580

8 AAC 84.045. Review of proposals. (a) Unless the department cancels a solicitation, the department will review each proposal received in response to a solicitation and prepare written recommendations for the board's consideration.

(b) The department will

(1) evaluate each grant proposal for compliance with the submission requirements, technical or other requirements, and conditions set out in the solicitation;

(2) eliminate from consideration each proposal that fails to meet the submission requirements;

(3) prepare a written evaluation of each grant proposal using criteria established in the solicitation, based upon the contents of the proposal, other documentation, and any other information about the applicant that is available to the department;

(4) make a recommendation about whether each grant proposal should be financed and at what level; and

(5) forward the department's evaluations and recommendations to the board for review and consideration.

(c) A review committee of board members will review each responsive grant proposal based on the provisions of 8 AAC 84.040, the criteria in the solicitation, and the department's evaluations and recommendations.

(d) After each review committee member has reviewed each grant proposal, the review committee will meet to make recommendations to approve or disapprove a grant

award, make modifications to a proposed grant, or impose conditions for a grant award and rank the proposals in priority order in a written recommendation to department.

(e) The department will base the decision on the award of the grant on the department's consideration of the department's initial evaluations and recommendations in (b) of this section, the written recommendation of the board, and any applicable state and federal statute or regulation.

(f) The department will decide to either

(1) approve a grant award;

(2) approve a grant award for an amount different than the amount requested or with modifications;

(3) approve a grant award with special conditions; or

(3) deny a grant award.

(g) When the board assists the department in the evaluation of proposals for grants, at least a simple majority of board members, or the member's designees, must participate in the evaluation. A participating board member, or a member's designee, may not have a conflict of interest as defined in the board's by-laws and in AS 39.52.220 and 9 AAC 52. (Eff. ____ / ____ / _____, Register _____)

Authority: AS 23.15.580

8 AAC 84.050. Notification of award. (a) After the department makes a final grant award decision, the department will send to applicant a notice of

(1) intent to award the grant, contingent upon any necessary revisions under 8 AAC 84.045(d); or

(2) notice of denial of award and of the reason for the denial.

(b) The department will send a grant agreement to a grantee whose proposal has been approved after the department determines that

(1) money is available for the grant; and

(2) any necessary revisions under 8 AAC 84.045(d) were made.

(c) The grantee must sign the grant agreement to indicate acceptance of the terms set out in the agreement.

(d) The signed agreement is a contract between the department and the grantee.

(Eff. ____/____/____, Register _____)

Authority: AS 23.15.580

8 AAC 84.060. Grant standards. (a) A grant award may be used only for expenditures that are

(1) necessary and reasonable for the completion of grant activities in accordance with AS 23.15.580(c), 8 AAC 84.010 – 8 AAC 84.090, and the grant agreement and budget; and

(2) supported by appropriate source documents, including

(A) cancelled checks;

(B) invoices;

(C) purchase orders;

(D) paid bills;

(E) payroll and time and attendance records;

(F) contracts;

(G) tax records; and

(H) other similar documents.

(b) The failure of a grantee to document expenditure of financial resources as required in (a) of this section may result in withholding payment, termination of the grant, or denial of future awards. (Eff. ____ / ____ / _____, Register _____)

Authority: AS 23.15.580

8 AAC 84.070. Accounting procedures. A person who is awarded a grant shall

(1) establish a separate fund and accounting codes for receipt and disbursement of grant money under 8 AAC 84.010 – 8 AAC 84.090;

(2) administer the grant money according to the requirements of 8 AAC 84.010 – 8 AAC 84.090; and

(3) provide regular periodic reporting to the department of

(A) grant-financed activities as prescribed in the grant agreement;

and

(B) the disposition of grant money. (Eff. ____ / ____ / _____,

Register _____)

Authority: AS 23.15.580

8 AAC 84.080. Records inspection and retention; monitoring. (a) A person awarded a grant under 8 AAC 84.010 – 8 AAC 84.090 shall maintain all appropriate records related to the grant, including

(1) records used for determining an individual's eligibility to receive training or employment assistance;

- (2) training curricula and related materials;
- (3) participant attendance at the training;
- (4) testing materials and results;
- (5) any certifications or other credentials earned by participants as a result of the training;
- (6) all accounting records related to the receipt and expenditure of financial resources and other contributed or leveraged money;
- (7) all reports submitted to the department and all documents supporting how the reports were prepared;
- (8) any other documents that record the activities which occurred under the grant or through the use of financial resources of the grant; and
- (9) any documents that the department may require as a condition of the grant.

(b) A person awarded a grant shall maintain the grant related records required under this section for at least three years after the date the grant is formally closed. If a person has an unresolved audit finding, questioned costs, litigation, or grievance at the end of the three-year period, the person shall maintain the records until the matter is fully resolved.

(c) A person awarded a grant shall ensure that any sub-grantee or sub-contractor funded by a grant under 8 AAC 84.010 – 8 AAC 84.090 maintain all grant related records in accordance with (a) and (b) of this section.

(d) A person awarded a grant shall ensure that the person's records, and the records of any subcontractor or sub-grantee, relevant to the expenditure of money

received under a grant are available to the department for periodic monitoring. The records must be made available for inspection within 24 hours after a request by the department. (Eff. ____ / ____ / _____, Register _____)

Authority: AS 23.15.580

8 AAC 84.090. Reconsideration and appeal procedures. (a) A person who receives a notice of denial of award from the department may file a written request for reconsideration under this section to the commissioner no more than 10 working days after the date of the notice.

(b) The written request for reconsideration must address the reasons the proposal was denied by the department.

(c) No later than 10 working days after receipt of the request for reconsideration, the commissioner will make and issue a written decision on the request.

(d) The commissioner may reconsider a proposal for an award if the person requesting reconsideration under this section demonstrates one or more of the following:

(1) shows that the circumstances leading to the denial have changed substantially;

(2) provides relevant information to the department that was not available when the denial was made; or

(3) shows that the department relied upon a technical, legal, or administrative error or misinterpreted data to make its decision.

(e) The commissioner after reconsideration will make the decision on the award of the grant using the criteria established in the solicitation, based upon the contents of

the proposal, other documentation, and any other information about the applicant that is available to the department.

(e) If the commissioner does not issue a written decision on or before the 10th working day after a request for reconsideration is received, the request is considered denied.

(f) The commissioner's decision on a request for reconsideration is the final decision of the department.

(g) If a person does not request reconsideration on or before the date established under (a) of this section, the department's decision is final.

(h) A final decision of the department is subject to judicial review under Rule 602 of the Alaska Rules of Appellate Procedure. (Eff. ____/____/_____, Register _____)

Authority: AS 23.15.580

Article 2. Evaluation of Programs.

Note to Publisher: Please insert existing sections 8 AAC 84.100 – 8 AAC 84.150 here.

Article 3. Definitions.

8 AAC 84.900 is amended by adding new paragraphs to read:

(9) "commissioner" means the commissioner of labor and workforce development;

Register ____, _____2012 LABOR AND WORKFORCE DEV.

(10) “working day” means a day other than Saturday, Sunday, or a state holiday. (Eff. 4/18/2002, Register 162; am 12/24/2004, Register 172; am ____ / ____ / _____, Register _____)

Authority: AS 23.15.580